S.B.CRIMINAL MISC. BAIL APPLICATION NO.3624/2006

Date : 28.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

Heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

In this case, allegations are made under Section 498A IPC.

The contention of learned counsel for the applicants is that complaint has been made by the complainant from her parents' house after 2½ years and infact husband has been arrested and recovery in this case has been effected. He submits that learned Sessions Judge while disposing of application of the husband has clearly stated in the order that the complaint was filed after 2½ years of the complainant's leaving her in-laws house.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Smt. Radha Devi wife of Ram Rakh and (2) Ram Rakh son of Radha Krishan by I.O./S.H.O. in FIR No.94/2006 P.S. Mahila Thana, Bikaner, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant